

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

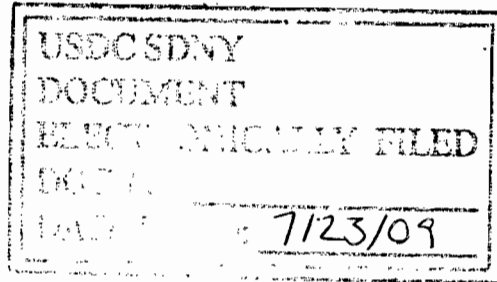
-----X
JOEL ROSS, ERIC LEVINE and
JEROME DEVELOPMENT COMPANY, :

Plaintiff, :

- against - :
STANLEY E. THOMAS and S. :
THOMAS ENTERPRISES OF :
SACRAMENTO, LLC :

Defendant(s). :

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SCHEDULING ORDER

09 Civ. 5631(SAS)
Conference Date:

WHEREAS, the Court issued an Order for a Conference in accordance with Fed. R. Civ. P. 16(b) on (the "Order"); and

WHEREAS, the Order requires that the parties jointly prepare and sign a proposed scheduling order containing certain information;

NOW, THEREFORE, the parties hereby submit the following information as required by the Order:

- (1) the date of the conference and the appearances for the parties;
July 23, 2009; Tashjian & Padian for Plaintiffs; Gallion & Spielvogel for Defendants
 - (2) a concise statement of the issues as they then appear;
Plaintiffs allege Defendants breached the operating agreement of S. Thomas Enterprises of Sacramento, LLC and personal guaranty.
 - (3) a schedule including:
 - (a) the names of persons to be deposed and a schedule of planned depositions;
Initial Disclosure - August 14
 - (b) a schedule for the production of documents;
To be determined - close of discovery Feb. 14, 2010
 - (c) dates by which (i) each expert's reports will be supplied to the adverse side and (ii) each expert's deposition will be completed;
Doc. Responses by 8/31; Responses 9/30
 - (d) time when discovery is to be completed;
Pursuant to Federal Rules of Civil Procedure - close of discovery Feb. 14, 2010
- Feb. 14, 2010*
- Oct - Feb. 14*

(e) the date by which plaintiff will supply its pre-trial order matters to defendant;

March 31, 2010

(f) the date by which the parties will submit a pre-trial order in a form conforming with the Court's instructions together with trial briefs and either (1) proposed findings of fact and conclusions of law for a non-jury trial, or (2) proposed voir dire questions and proposed jury instructions, for a jury trial; and

April 10, 2010

(g) a space for the date for a final pre-trial conference pursuant to Fed. R. Civ. P. 16(d), to be filled in by the Court at the conference.

Feb 25, 2010 at 4³⁰

(leave blank)

(4) a statement of any limitations to be placed on discovery, including any protective or confidentiality orders;

None

(5) a statement of those discovery issues, if any, on which counsel, after a good faith effort, were unable to reach an agreement;

None

(6) anticipated fields of expert testimony, if any;

None

(7) anticipated length of trial and whether to court or jury;

5 days

(8) a statement that the Scheduling Order may be altered or amended only on a showing of good cause not foreseeable at the time of the conference of when justice so requires;

(9) names, addresses, phone numbers and signatures of counsel;

Tashjian & Padran, 15 W. 36th St., 15th Fl.
Gerald Padran New York, NY
Bradley M. Rank (212) 319-9800

SO ORDERED:

SHIRA A. SCHEINDLIN
U.S.D.J.

7/23/09

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